

REMARKS

Claims 1-11 remain in this application. Claims 1-11 are rejected. Claims 1 and 11 are objected to. Claims 1-11 are amended herein to clarify the invention, to broaden language as deemed appropriate and to address matters of form unrelated to substantive patentability issues.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims and objections cited in the above-referenced Office Action.

The drawings are objected to under 37 CFR 1.83(a). The Office Action states that the enumerated list of claimed devices is not depicted in the drawings. The claims are amended to replace recitations of the structural devices with functional attributes of a suitably configured game control device, which is adequately depicted. Therefore, withdrawal of the objection is requested.

The drawings are further objected to for a misspelling in Fig. 9. A proposed drawing amendment of Fig. 9, having changes indicated in red, accompanies this amendment. Additionally, a Letter to the Draftsman pursuant to MPEP 608.02(r) is provided herewith. The applicant elects to delay filing corrected formal drawings until subsequent to the receipt of a Notice of Allowability as per PTOL-37 and CFR §1.85(c).

The abstract is objected to on the basis that it exceeds 150 words in length. A replacement abstract is provided herein on a separate page. It is submitted that the

replacement abstract is in full conformance with 37 CFR 1.72 and MPEP 608.01(b).

Therefore, reconsideration of the objection to the abstract is respectfully requested.

The Office Action states that the specification is objected to for various informalities. The specification is amended to correct various typographical, grammatical and idiomatic informalities including those noted in the Office Action. No new matter is added. Withdrawal of the objection is respectfully solicited.

Claims 1 and 11, and those dependent therefrom, are objected to under 37 CFR 1.75(d) as failing to find clear support in the description. In particular, it is averred by the Examiner that the various devices mentioned above are not clearly supported by the description. The claims are amended to remove specific reference to the devices by name. Applicant submits that the various functions associated with the different aspects of the suitably configured game control device find clear support in the disclosure, as detailed below, with reference to Fig. 9 and page and line numbers of the specification, as requested by the Examiner. These functions include: displaying a route (step S1, p. 15, lines 11-14, p. 29, lines 9-10, 15-16), determining a value (step S2, p. 29, lines 9-10, 16-18), moving a character set as an object (step S3, p. 29, lines 9-10, 18-19), controlling a peculiar value (step S9, p. 29, lines 9-10, p. 30, lines 11-13), controlling appearance of event production squares (steps S10 and S11, p. 29, lines 9-10, p. 30, lines 23-27), producing an event (step S31, p. 29, lines 9-10, p. 31, lines 22-25), scrolling a row of numerical values (p. 18, lines 5-8, 13-14), selecting the value to be obtained (p. 18, lines 8-14), letting a game

having a story proceed (step S9, p. 29, lines 9-10, p. 32, lines 2-4, p.21, lines 6-11), selecting an ending (step S61, p. 29, lines 9-10, p. 34, lines 9-11), and providing a practice environment of a game (step S9, p. 29, lines 9-10, p. 32, lines 2-4, p. 21, line 23 - p. 22, line 6).

Claims 1-11 are rejected under 35 U.S.C. § 112, first paragraph, as not being enabled by the specification. Applicant herein respectfully traverses this rejection. As noted above, the claims are amended to avoid reference to specific devices making up part of the game control device. It is apparent to one skilled in the art from a reading of the specification that the game control device is configured to allow it to perform the claimed functions finding clear support in the disclosure. The determination of enablement turns on whether the specification contains a sufficient disclosure to enable one skilled in the art to practice the invention without the exercise of undue experimentation. What constitutes undue experimentation is determined using a standard of reasonableness. Applicant respectfully submits that one skilled in the art of game design would readily be able to implement the present invention without undue experimentation based on a reading of the specification as filed. Therefore, reconsideration of the rejection claims 1-11 is earnestly solicited.

Claims 1-11 are rejected as indefinite under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject of the invention. The Office Action states that the claims are indefinite since the skilled artisan cannot link particular structures to the claim limitations. As amended, the

claims identify the structure accomplishing the various functions as being that of the game control device. It is respectfully submitted that the claim amendments noted above remove or correct the informalities noted in the Office Action. Therefore, reconsideration of the rejection of the claims and their allowance are earnestly requested.

Claims 1, 4, 5, 9, 10 and 11 are rejected as obvious over Darrow (US 2,026,082) in view of Hasbro Interactive under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

A claimed feature of the present invention is that the game control device is configured to control appearance of the event production squares on the route based on a peculiar value relating to event production corresponding to the attribute of the squares based on a stop position on the character, and to produce an event relating to the event production square under the condition that the event production square and the stop position of the character establish a predetermined relationship.

Because of the above feature in accordance with the present invention, the event production square appears on the route based on the peculiar value relating to event production corresponding to the attribute of the squares where the character stops. Namely, when the condition based on the peculiar value is satisfied, the event production square corresponding to the peculiar value emerges. After that, when the

character stops at the appeared event production square, the event corresponding to the square is produced, i.e., it occurs.

In contrast to the present invention, the timing of when the event occurs in accordance with Darrow is different from in the present invention. Darrow incorporates events on a specific square, such as "Community Chest" or "Chance" (Office Action, page 9, the lower figure). Therefore, in accordance with the teachings of Darrow, based on a peculiar value, the event simply occurs. This construction differs from the construction in the present invention, wherein the event does not occur, but rather, the event production square appears when a condition based on the peculiar value is satisfied. Darrow fails to disclose such feature, i.e., the controlling of the appearance of an event production square on the route based on the peculiar value.

Therefore, the only type game that can be drawn from Darrow is one in which the event occurs when a condition based on a peculiar value is satisfied. A game as presently claimed cannot be drawn from Darrow, and in which, when the condition based on the peculiar value is satisfied, the event production square appears.

Because of the above feature in the present invention, i.e., to let the event production square appear, the player has to stop his/her character at the squares where a specified attribute corresponding to the appearance of the event production square is set, and to produce the event, the player has to stop the character at the appeared event production square. Therefore, when the lottery device is set so that

a player's skill is reflected on determination of a value, the player can select whether to let the event production square appear, and to let the event occur. Consequently, the game according to the present invention can be allowed to proceed according to the player's wish. Furthermore, in the present invention, the player's skill is required and is reflected to a greater degree than in the game according to Darrow. As a result, very wide game development can be provided according to players performance in accordance with the claimed invention.

Hasbro Interactive fails to provide this teaching lacking in Darrow, as noted above. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 1, 4, 5, 9, 10 and 11 and their allowance are respectfully requested.

Claims 2 and 3 are rejected as obvious over Darrow (US 2,026,082) in view of Hasbro Interactive and further in view of Oshima et al. (US 5,601,487) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Oshima et al. reference does not provide the teaching noted above with respect to the obviousness rejection of claim 1, from which the claims depend, that is absent from the Darrow and Hasbro Interactive references. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 2 and 3 and their allowance are respectfully requested.

Claims 6/1, 6/2, 6/3, 6/4 and 6/5 are rejected as obvious over Darrow (US 2,026,082) in view of Hasbro Interactive and further in view of Oshima et al. (US 5,601,487) and further in view of Baker et al. (US 6,106,399) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Baker et al. reference does not provide the teaching noted above with respect to the obviousness rejection of claim 1, from which the claims depend, that is absent from the Darrow, Hasbro Interactive and Oshima et al. references. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 6/1, 6/2, 6/3, 6/4 and 6/5 and their allowance are respectfully requested.

Claims 7/6/1, 7/6/2, 7/6/3, 7/6/4 and 7/6/5 are rejected as obvious over Darrow (US 2,026,082) in view of Hasbro Interactive and further in view of Oshima et al. (US 5,601,487) and further in view of Baker et al. (US 6,106,399) and further in view of Stamper et al. (US 5,267,734) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Stamper et al. reference does not provide the teaching noted above with respect to the obviousness rejections of claim 1, 2, 3, 4, 5 or 6 from which the claims depend, that is absent from the Darrow, Hasbro Interactive, Oshima et al. and Baker et al. references. Thus, the combination

of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 7/6/1, 7/6/2, 7/6/3, 7/6/4 and 7/6/5 and their allowance are respectfully requested.

Claims 8/6/1, 8/6/2, 8/6/3, 8/6/4 and 8/6/5 are rejected as obvious over Darrow (US 2,026,082) in view of Hasbro Interactive and further in view of Oshima et al. (US 5,601,487) and further in view of Baker et al. (US 6,106,399) under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

It is respectfully submitted that the proffered combination of references cannot render the rejected claims obvious because the Baker et al. reference does not provide the teaching noted above with respect to the obviousness rejections of claim 1, 2, 3, 4, 5 or 6 from which the claims depend, that is absent from the Darrow, Hasbro Interactive, and Oshima et al. references. Thus, the combination of prior art references fails to teach or suggest all the claim limitations. Therefore, reconsideration of the rejections of claims 8/6/1, 8/6/2, 8/6/3, 8/6/4 and 8/6/5 and their allowance are respectfully requested.

Applicant respectfully requests a two (2) month extension of time for responding to the Office Action. Please charge the fee of \$410 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By Frank J. Jordan by:
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicant

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Jordan & Shulz
Reg No. 36,049

enc: Letter to Draftsman with proposed drawing amendments of Fig. 9.

APPENDIX I

AMENDED SPECIFICATION PARAGRAPHS WITH AMENDMENTS INDICATED THEREIN BY BRACKETS AND UNDERLINING

Pages 5 and 6, replace the paragraph bridging these pages with the following:

According to the above structure, the story changes according to determination of the value relating to the lottery device and simultaneously the game proceeds. Therefore, the player can participate in not only the stop position of the character and the event production but also a change in the story. As a result, a succulent and [outasite] out of sight game, which has a high degree of freedom is different from a simple board game that a character is allowed to move along a route, can be provided to the player. As the theme, various themes may be selected similarly to the various games which are classified as so-called adventure game or simulation game.

Page 26: 1st full paragraph, replace with the following:

The lure 51 moves to the [right-and-let] right-and-left direction on the lure window 50 according to a predetermined route changing operation on the input device 4. The route changing operation in this case is imaged by an operation such that a fishing rod is shaken right and left so that a lure is moved right and left in actual fishing. Therefore, it is desirable that the operation of the direction indicating switch 5 to the right-and-left direction is allocated as the route changing operation. The background 52 as well as the marks 53A and 53B and the division lines 54 is scrolled to be displayed at a predetermined speed from the bottom towards the top on the window 50. The scrolling of the background 52 represents a state that the lure 51 moves right and left according to the route changing operation on the input device 4 and is simultaneously collected (retrieved) towards the character 28.

APPENDIX II

AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN BY BRACKETS AND UNDERLINING

1. (Amended) A game system comprising:
 - an image display device;
 - an input device for outputting a signal according to an operation by a player;
and
 - a game control device for executing a game according to a predetermined program while checking the output of the input device and displaying a game picture according to a proceeding situation of the game on the display device,
wherein the game control device [includes:] is further configured for implementing the steps of:
 - [route presenting device for]displaying a route composed by arranging a plurality of squares as well as symbols representing attributes allocated to the respective squares on a screen of the display device;
 - [lottery device for]determining a value to be obtained by the player based on the instruction of the player via the input device;
 - [character position control device for]moving a character set as an object to be operated by the player along the route according to the value determined by the lottery device;
 - [peculiar value control device for]controlling [an] a peculiar value relating to event production corresponding to the attributes of the squares based on a stop position of the character;

[event production square appearance control device for]controlling appearance of the event production squares on the route based on the peculiar value; and

[event production control device for]producing an event relating to the event production square under the condition that the event production square and the stop position of the character establish a predetermined relationship.

2. (Amended) A game system according to claim 1, wherein an operation skill of the player for the input device reflects on determination of the value[by means of the lottery device].

3. (Amended) A game system according to claim 1, wherein, in connection with determination of the value, the [lottery device]game control device is further configured for implementing the steps including[includes]:

[scrolling device for]scrolling a row of numerical values in a predetermined range on the screen of the display device at a speed in a range that respective values can be discriminated; and

[value determination device for]selecting the value to be obtained by the player from the row of the scrolled numerical values so that a constant relationship is established between timing that a predetermined stop operation as the instruction is performed on the input device and the determination of the value.

4. (Amended) A game system according to claim 1, wherein the game control device [has game proceeding control device] is further configured for letting a game having a story relating to a predetermined theme proceed, and [the game proceeding control device lets] for letting the game proceed while the story is being changed in connection with a change in the position of the character on the route.

5. (Amended) A game system according to claim 4, wherein the game control device is further configured [has ending control device], when a proceeding situation of the game satisfies a predetermined condition, for selecting an ending corresponding to the proceeding situation at that time from plural endings and presenting an image corresponding to the selected ending to the player via the display device.

6. (Amended) A game system according to any one of claims 1 to 5, wherein [the event production control device produces a game where] the player's operation skill for the input device reflects on a result of the event.

7. (Amended) A game system according to claim 6, wherein the game control device [has practice providing device] is further configured, when the character stops in a specified position on the route, for providing a practice environment of a game to be executed as the event to the player.

8. (Amended) A game system according to claim 6, wherein the [ending] game control device selects the ending in connection with an experience in the event up to the ending.

9. (Amended) A game system according to claim 1, wherein when the character stops one of the squares, the [peculiar value control device increases the] peculiar value relating to the event production corresponding to the attribute of the square where the character stops by a predetermined amount is increased, and when the peculiar value reaches a predetermined value, the [event production square appearance control device allows the]event production squares corresponding to the peculiar value are allowed to appear on the route.

10. (Amended) A game system according to claim 1, wherein the [event production] game control device produces an event relating to the event production square under the condition that the character stops on the event production square.

11. (Amended) A computer readable storage medium into which a program for executing a game by referring to an output from an input device of a game system and displaying a game picture according to a proceeding situation of the game on a screen of a display device of the game system is recorded, wherein the program allows a computer provided in the game system to [function as]perform the steps of:

[route presenting device for]displaying a route composed by arranging a plurality of squares as well as symbols representing attributes allocated to the respective squares on the screen of the display device;

[lottery device for]determining a value to be obtained by the player based on the instruction of the player via the input device;

[character position control device for]moving a character set as an object to be operated by the player along the route according to the value determined[by the lottery device] in said step of determining a value;

[peculiar value control device for]controlling [an] a peculiar value relating to the event production corresponding to the attributes of the squares based on a stop position of the character;

[event production square appearance control device for]controlling appearance of the event production squares on the route based on the peculiar value; and

[event production control device for]producing an event relating to the event production square under the condition that the event production square and the stop position of the character establish a predetermined relationship.